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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,111	11/01/2003	James H. Adams	116382.00064	1871
27885	7590	10/20/2005	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			HAYES, BRET C	
			ART UNIT	PAPER NUMBER
			3644	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/699,111

Applicant(s)

ADAMS, JAMES H.

Examiner

Bret C. Hayes

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 23-28, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. At line 1 of the specification, please insert --now U.S. Patent No. 6,890,003 B2-- after “10/194,934,”.

### *Terminal Disclaimer*

2. The terminal disclaimer filed on 01 AUG 05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,890,003 B2 to Adams has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,738,679 to Jackson.
5. Re – claim 20, Jackson discloses the claimed invention including a trailer hanger comprising: a \*monolithic hanger body 9 wherein the hanger body comprises a swing arm attachment portion, best seen in Fig. 2 at 22, for example, and a shock absorber bracket portion, same Fig. at the intersection of plate 30 and shock absorber 33, for example.
6. \*Regarding the limitation “monolithic”, because this term can describe such concepts as ‘working as if one’, such as, ‘a monolithic worldwide movement’, Jackson anticipates.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Alternatively, claim 20 and claims 21, 23, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson in view of Applicants' Admitted Prior Art (PA).

9. Re – claim 20, \*alternatively, the term (monolithic) would appear to be synonymous with 'integral', which term has been clearly decided to be an obvious matter, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1983). Further, it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973). In this case, Jackson's device is a welded construction and, thus by definition, integral – or monolithic – as claimed.

10. Re – the claims, PA states, "...extruded aluminum provides great advantages in terms of strength while eliminating much of the need for reinforcing ribs along the trailer body. However, the strength and durability required for many of the subframe and suspension components have substantially prevented the use of aluminum on either a subframe or suspension assembly. Prior art attempts to incorporate aluminum suspension components have either been too complex or too weak to be of any commercial benefit or success." (*Examiner's emphasis added.*) In essence, PA teaches: that extruded aluminum is known to provide strength in trailers (the same

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field of endeavor); that the use of aluminum on either a subframe or suspension assembly has only been *substantially* prevented (and, thus, not entirely); and, that prior art attempts have been complex (although not nonexistent).

11. Re – claim 21, Jackson discloses the invention substantially as claimed except for the hanger body being made of aluminum.

12. PA clearly teaches the use of aluminum as a material in the manufacture of suspensions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jackson to include the hanger body being made of aluminum as taught by PA in order to provide strength while eliminating weight.

13. Re – claim 22, Jackson in view of PA discloses the claimed invention as applied to claim 21 above. Jackson discloses the hanger body comprising a pair of alignment guides **61** and **62**, best seen in Fig.3, for example, generally parallel to and spaced from each other.

14. Re – claims 29 and 30, Jackson discloses the invention substantially as claimed except for the hanger body being defined by an aluminum extrusion.

15. In light of the above, PA further teaches the use of extruded aluminum being used in the same field of endeavor for the purpose of manufacturing subframe and suspension assemblies.

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jackson to include extruded aluminum for the same reason set forth above.

***Allowable Subject Matter***

17. Claims 23 – 28, 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902. The examiner can normally be reached Monday through Friday from 5:30 am to 2:00 pm, Eastern Standard Time.


On July 15, 2005, the Central FAX Number was changed to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for “centralized delivery”.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (571) 272 – 7045.

bh

13-Oct-05

  
TERI PHAM LUU  
SUPERVISORY  
PRIMARY EXAMINER